

BOARD OF HEALTH
Bangs Community Center: Room 101
Minutes

February 22, 2011

BOH Members: David Ahlfeld, Jennifer Brown, Maria Bulzacchelli, Nancy Gilbert,
David Kaufman

Staff: Julie Federman, Pamela Field-Sadler

Other: Diana Stein – Amherst Board of Selectmen Liaison, Charles Kaniecki – Massachusetts Department of Public Health, Mrs. A. C. Anderson – 27 Montague Road, George Gajde – Elms College student, Barbara Weiss – Cold Spring Environmental Consultants, Alan Weiss - Cold Spring Environmental Consultants, Attorney Lawrence Farber

Meeting opened at 7:00 p.m.

I. Review & Receive

A. Meeting Minutes

1. Meeting Minutes from January 27, 2011 – **Approved**

Vote: Ahlfeld – aye; Brown – aye; Bulzacchelli – aye; Gilbert – aye;
Kaufman – abstain

II. New Business

A. Private Well Construction Application: Lot 22, Flat Hills Road

Barbara and Alan Weiss of Cold Spring Environmental Consultants in attendance.

The Board of Health (BOH) members reviewed an application for a Well Construction Permit for a drinking water well submitted by Mr. Weiss for Lot 22, Flat Hills Road. Mr. Weiss explained this is an undeveloped, single family lot with an approved septic plan design. Mr. Weiss confirmed all the abutters within 150 feet of the property have been notified by certified mail. The BOH also reviewed correspondence from Assistant Sanitarian Gary Courtemanche stating he had reviewed the well installation; Mr. Courtemanche's opinion is the proposed well plan design meets the requirements of the *Amherst Board of Health Regulations for Private Wells*.

Motion: Ms. Bulzacchelli made the motion, seconded by Ms. Gilbert, to approve the Well Construction Permit application as submitted for a drinking water well for Lot 22, Flat Hills Road. **Vote:** Unanimous

Mr. Weiss also requested the BOH send him a copy of the updated *Amherst Board of Health Regulations for Private Wells* upon approval. Mr. Weiss reported the state is in the process of revising the regulations for geothermal wells. Mr. Weiss offered to forward a copy of the draft to the BOH.

B. 27 Montague Road, Amherst

Mrs. A. C. Anderson, tenant of 27 Montague Road, Unit 11, Attorney Lawrence Farber, and Charles Kaniecki – Massachusetts Department of Public Health (MDPH) in attendance.

Ms. Federman explained the Health Department had completed an inspection at 27 Montague Road, Unit 11 upon receiving a complaint regarding an improperly working dishwasher. During the inspection, standing water was observed pooled in the well of the dishwasher, and as a result the Health Department issued an Order to Correct citing a violation of the State Sanitary Code Section 410.351. Attorney Farber, who represents the cited party, shared his concern that the Order to Correct was insufficient and the alleged violation was unwarranted and requested the Board of Health (BOH) withdraw the Order to Correct. Since the inspection performed by the Health Department, a repair person has serviced the dishwasher. However, Mrs. Anderson reports the dishwasher continues to work improperly; the dishes are not dry, and moisture remains on the inside of the machine. Mr. Kaniecki stated there will be dampness in a dishwasher until the moisture evaporates, and dampness is not a violation of the State Sanitary Code. Mrs. Anderson reported she has acquired the service of a private investigator who has completed an inspection of the dishwasher and created a report based on his findings; Mrs. Anderson will request the private investigator forward his report to Ms. Federman. Mrs. Anderson also reported she has an on-going mold problem in her residence and shared her concern that mold will grow in the dishwasher. The BOH agreed the mold concern is a separate issue. Attorney Farber suggested the State Sanitary Code had been interpreted incorrectly; Attorney Farber interprets Section 410.351 as referring to the installation of equipment and not the maintenance of installed equipment. Ms. Federman and Mr. Kaniecki understand Section 410.351 to say the maintenance of all owner installed optional equipment, including dishwashers, is the responsibility of the owner/manager of a rental property. The BOH agreed a re-inspection of the property is necessary to determine if the cited violation has been addressed properly. The BOH agreed compliance will be determined upon finding no standing water in the dishwasher after running the machine through a full cycle of operation. Ms. Federman will contact Mrs. Anderson to schedule a re-inspection appointment. Mr. Kaniecki volunteered to attend the re-inspection if his schedule allows.

Motion: Ms. Bulzacchelli made the motion, seconded by Mr. Kaufman, to direct the Board of Health Agent (Agent) to determine by a manner of re-inspection, to include running the dishwasher through a complete cycle, that the cited violation of the State Sanitary Code section 410.351 for the property at 27 Montague Road, Unit 11 has been brought into compliance. Further, the Board of Health directs the Agent to issue a Letter of Compliance if the Agent determines the cited violation has been rectified, or an Order to Correct if a violation of the State Sanitary Code is found.

Vote: Unanimous

C. Livestock Bylaw

Chairman Ahlfeld explained proposed amendments to the Livestock Bylaw and the Animal Welfare Bylaw continue to be considered and are expected to go before the next Town Meeting. Ms. Federman is aware if the proposed amendments are approved, the Health Director will assist the Animal Wellness Officer in the monitoring of some livestock.

III. Old Business

A. Review: *Amherst Board of Health Regulations for Private Wells*

The Board of Health (BOH) members reviewed a final draft version of the *Amherst Board of Health Regulations for Private Wells* with modifications. Ms. Stein asked why the permit fees are not listed in the regulation; the BOH clarified the fees are for administrative and inspection services and not penalties. The fee for a Well Construction Permit will be determined by the type of private well. Mr. Kaniecki suggested the BOH include a definition for a monitoring well. The BOH agreed monitoring wells are included in the current definition for a Private Well. Chairman Ahlfeld recommended the BOH approve the *Amherst Board of Health Regulations for Private Wells* as amended. The regulation can be reviewed at a later date in order to consider updates regarding monitoring wells and geothermal wells.

Motion: Ms. Gilbert made the motion, seconded by Mr. Kaufman, to accept the *Amherst Board of Health Regulations for Private Wells* as amended with an effective date of March 15, 2011, and to review the regulation in one (1) year to consider amendments regarding monitoring wells and geothermal wells.

Vote: Unanimous

The BOH members signed two copies of the approved *Amherst Board of Health Regulations for Private Wells*. The Health Department will send a letter and a copy of the amended regulation to area well drillers. Ms. Federman will follow-up two (2) well construction permits issued previously by the BOH that have not had Water Supply Certificates issued by the BOH yet.

B. National Public Health Week

Ms. Bulzacchelli reported she met with UMASS School of Public Health Undergraduate Program Director Lynn Koerbel to discuss ideas for National Public Health Week. The UMASS Undergraduate Public Health Club is excited to do a project on campus and many ideas are being generated; Ms. Bulzacchelli has offered to meet with the club. The students in Ms. Bulzacchelli's Principals of Injury Prevention and Control class will be working on projects which students may choose to share with the campus community. Ms. Bulzacchelli has encouraged her students to focus projects on the local community, but some students may choose to focus on a state wide level. The suggestion was made to consider sharing some projects at the Jones Library and/or the Bangs Community Center; ideas can be emailed to Ms. Bulzacchelli.

C. Regionalization

Prior to any discussion, Mr. Kaniecki left the meeting because he is a member of the committee which will be reviewing the Public Health District Incentive Grant proposals.

Ms. Federman explained Amherst is involved in writing a planning grant proposal to request funding through the Public Health District Incentive Grant Program to explore the creation of a Regional Health District. All Hampshire County towns were asked to participate; currently there are approximately seventeen (17) towns participating at some level in the planning. If awarded the funding, a second grant proposal will need to be submitted in the fall to request funding for the implementation of the Regional Health District plan. Ms. Federman explained the requirement to create a governance structure for

the Regional Health District seems to be an obstacle for municipalities. The governance structure is viewed by some as hard to create, as well as difficult to maintain and fund in the future. Ms. Federman also pointed out the difficulty municipalities will face preparing for Town Meeting presentations while adhering to the required timelines of the grant. Ms. Federman supports strengthening the public health system for the region, and values the participating communities discussing realistic ways to create greater efficiencies in providing public health services. It is unknown if those participating in the planning portion of this endeavor will then be expected to participate in the implementation stage as well. Ms. Federman hopes to get this question answered at a future information session.

IV. Director's Report

A. Assistant Sanitarian

Gary Courtemanche has left his position as Assistant Sanitarian with the Health Department effective February 18, 2011. The vacant position has been posted and the review process will begin soon. Assistant Sanitarian Javeria Mir will return to the Health Department full-time; the new hire will be responsible for the contracted twenty (20) hours per week of inspectional services to the City of Northampton.

B. MUNIS Update

The Health Department continues to implement greater usage of the town wide software system. Denise Berry of the Amherst Inspectional Services Department is working with the Health and Fire Departments to create a unified approach of sharing information.

C. Housing Task Force

Town Manager John Musante has requested Ms. Federman to lead the Housing Task Force in resuming discussions. A Housing Task Force meeting is planned for March 7th with representatives from UMASS attending.

D. Electronic Benefits Transfer (EBT) Machines

Usage of an Electronic Benefits Transfer (EBT) machine has been implemented at the Winter Farmers' Market located at the Amherst Middle School. This machine allows shoppers to use food stamp, credit, or debit cards to make purchases. Preparation is taking place to implement the EBT machine system at the Summer Farmers' Market too. The EBT machines will be housed in the small yellow building on the edge of the Town Common. Ms. Federman will follow-up with Department of Public Works Director Guilford Mooring regarding the planned sidewalk work and the effect this work will have on the Summer Farmers' Market.

V. Schedule Next Board of Health Meeting/Agenda Closing Date

A. The next Board of Health (BOH) meeting will be March 24, 2011.

Meeting Adjourned: 9:00 p.m.

Pamela Field-Sadler, Management Assistant

Approved: March 24, 2011

Board of Health
February 22, 2011
Bangs Community Center: Room 101
Meeting Document List

The following documents were available to the Board of Health during their scheduled meeting.
These documents are available for review at the:

Amherst Health Department, 70 Boltwood Walk, Amherst, MA 01002

- Meeting Agenda
- Meeting Minutes: January 27, 2011 (draft)
- Private Well Application: Lot 22 Flat Hills Road
 1. Application Document
 2. Correspondence from Assistant Sanitarian Gary Courtemanche
- 27 Montague Road
 1. Correspondence from Attorney Lawrence J. Farber
 2. Dishwasher Service Records
 3. Inspection Order for 27 Montague Road, Apartment 11
- Draft *Amherst Board of Health Regulations for Private Wells* with modifications
- Regionalization
 1. Public Health Service Delivery Information Packet: pages 1, 2, 3, 4, 20, 27 – 35
 2. D.I.G. Health District Grant from DPH
 3. Berkshire Public Health Partnership Inter-Municipal Agreement (Draft Version 11.19.10)
 4. REGIONALIZATION 2/11